

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5550 OF 2004

Raju Suresh Takavale ...Applicant

Versus

Dilip C.Bartakke & Ors. ...Respondents

.....

Mr.V.V.Purwant for Applicant.

Mr.P.M.Chakorkar for Respondents 1 to 5.

Mr.A.S.Gadkari, A.P.P. for Respondent No.6.

.....

CORAM: A.M.KHANWILKAR, J.

MARCH 9, 2005.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. This Application is for cancellation of bail granted by the lower Court in favour of the Respondents 1 to 5 on 1st November 2004 in connection with C.R.No.I-191 of 2004 registered

with Vartak Nagar Police Station. The case of the Applicant in this Application is that the Court below has not considered entire materials on record, while granting bail to the said Respondents. In my opinion, the view taken by the lower Court is a possible view.

3. Even this Court has granted bail subsequently to other accused vide order dated 27th January 2005. Reason stated in that order can also be pressed into service in favour of the Respondents 1 to 5. Accordingly, I see no reason to interfere with the bail as granted in favour of the Respondents 1 to 5 by the lower Court on merits.

4. The only question that remains to be considered is about the allegation in the affidavit filed by the Police Inspector before this Court, stating that after the Respondents were released on bail, Respondent No.1 threatened two prosecution witnesses. This aspect has been clarified by the Respondents in the reply affidavit pointing out that in fact, the said witnesses had threatened the

associate of Respondent No.1 on 11th November 2004 in respect of which complaint has been lodged by the associate of the Respondent No.1 and offence has already been registered against the said prosecution witnesses. That aspect has not been disclosed in the affidavit of the Police Inspector filed on behalf of the State.

5. Besides, now it transpires that the Police Authorities have initiated action under Section 107 of the Code of Criminal Procedure and learned A.P.P. states on instructions that presently, things are under control and no cross complaints are registered since then. If it is so, the subsequent event highlighted by the Police Inspector while supporting the present Application will be of no avail. Accordingly, this Application is disposed of.

6. To bring quietus to the criminal action, which is pending against the Respondents and other accused, the appropriate course, is to direct expeditious disposal of the trial. In the circumstances, Sessions Judge, Thane is directed to

assign the trial to the Fast Track Court to ensure early disposal of the trial as 'High Court Expedited Case'.

7. The Respondents and the other accused shall co-operate for early disposal of the trial.

A.M.KHANWILKAR, J.